

Application No. 09/774,407
Amendment "A" dated October 3, 2005
Reply to Office Action mailed July 13, 2005

REMARKS

The Office Action of July 13, 2005, considered and rejected claims 1-36. Claims 1-3, 5-22, 24-27, 35-39 were rejected under 35 U.S.C. 102(e) as being anticipated by Fox (U.S. Patent No. 6,654,786). Claims 4, 23, 28, 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Slaughter (U.S. Patent No. 6,898,618).

By this paper, claims 1, 2, 12, 13, 21, 25 and 32 have been amended. No claims have been cancelled or amended, such that claims 1-36 remain pending, of which claims 1, 11, 12 and 20 are the only independent claims at issue.

As discussed during the interview, the present invention is generally directed to embodiments in which a wireless device receives notifications from a server over first and second channels, wherein the first channel is a low capacity channel, such as SMS, and wherein the second channel is a high capacity channel comprising the Internet. As recited in the claims, the notifications sent from the server are temporarily routed to the wireless device over the high capacity channel instead of the low capacity default channel during a temporary period of time during which the wireless device is temporarily connected with the high capacity channel. Thereafter, the notifications resume being sent to the wireless device through the low capacity channel. Claims 1 and 12 recite methods, as provided above, using both functional language (claim 12) and non-functional language (claim 1). Claims 22 and 20 are directed to corresponding computer program product claims for implementing the methods recited in claims 1 and 12, respectively.

As further discussed during the interview, the art of record fails to disclose or suggest the embodiments that are recited in the claims. For example, although Fox¹ discloses an embodiment in which a GSM wireless network switches channels between a main channel and an IWF channel, it is clear that the IWF channel is not the internet, particularly since Fox discloses that the IWF channel is more expensive than the main channel, and inasmuch as the present application makes it clear that the second high capacity channel, such as the Internet, is less expensive than the first channel. (Fox Col. 12, ll. 46-54, Application p. 4, ll. 11-12).

For at least these reasons, as well as the others that were discussed during the interview, Applicants respectfully submit that the pending claims are neither anticipated by nor made

¹ Fox was the only reference used to reject the independent claims.

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obvious by the art of record. Although the foregoing remarks are primarily directed to the independent claims, it will be appreciated that the dependent claims should also be found allowable over the art of record for at least the same reasons. Accordingly, it is not necessary to individually address the rejections to each of the dependent claims at this time.²

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of October, 2005.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 047973

JCI:ppa
PPA0000001228V001

² Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.